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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,580	09/09/2003	Brian J. Fogg	6615P001	4655

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,580

Applicant(s)

FOGG, BRIAN J.

Examiner

Sara M Hanne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/9/03, 4/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the election received on February 22, 2005, in which Group I was elected without traverse and Claim 33 was cancelled. Claims 1-32 and 34-40 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-8, 11-20, 23-29 and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Megiddo, US Patent 6559863.

As in Claims 1 and 16, Megiddo teaches a method for visualizing interpersonal relationships comprising displaying a user icon representing a user on a user interface and displaying associate icons on the user interface, wherein the associate icons represent one or more associates, wherein the associate icons are positioned radially about the user icon (Col. 2, lines 14 et seq.), wherein each of the one or more associate icons are positioned on the user interface to visualize a relationship between the user and the associates (Col. 2, lines 10-14).

As in Claims 2, 17, Megiddo teaches the distance between the user icon and the associate icon represents an importance of the relationship (Col. 2, lines 10-14).

As in Claim 3, 18, Megiddo teaches the associate icon is capable of being repositioned by the user via an input device (Col. 2, lines 10 et seq.).

As in Claims 4, 7 and 34, Megiddo teaches the associate icon is a digital image of the associate (Col. 1, lines 41-43).

As in Claim 5, 19, 23-24, 36 and 39, Megiddo teaches a voice communication tool to transmit a voice communication from the user to the associate upon selecting the associate icon (Col. 5, line 40 et seq.).

As in Claims 6 and 20, teaches selecting the associate icon includes applying a single-click to the associate icon via an input device (Col. 2, lines 10 et seq.).

As in Claim 8, Megiddo teaches the voice communication tool includes a communication section to visualize previous communications between the user and the associate (As in chat rooms and displayed in ref. 114 of the Figures, the past comments are displayed in the line above the most recent comment).

As in Claim 11, Megiddo teaches the user is capable of selectively indicating an availability to communication to the associate via the user interface (Col. 7, line 9 et seq.).

As in Claims 12 and 28, Megiddo teaches the relative position of the associate icon to the user icon varies automatically based on a perceived change in the relationship (Col. 7, lines 1-8).

As in Claims 13 and 26, Megiddo teaches the associate icon is to perform an action upon a happening of an event (Col. 7, lines 55-58).

As in Claim 14, Megiddo teaches the action includes animating the associate icon upon receiving a communication from the associate associated with the associate icon (Col. 7, lines 55-58).

As in Claims 15 and 27, Megiddo teaches the user icon is to perform an action upon a happening of an event (Col. 7, lines 55-58).

As in Claim 25, Megiddo teaches the voice communication includes background music (Col. 7, line 23 et seq.).

As in Claim 29, Megiddo teaches the perceived change in the relationship is based on a number of communications between the user and the associate associated with the associate icons (Col. 2, lines 10 et seq.).

As in Claim 35, Megiddo teaches the associate communication section facilitates electronic mail communications between the user and the associate (Figure 2a ref. 114 and corresponding text).

As in Claim 37, Megiddo teaches the associate communication section facilitates the listening of a voice mail communication from the associate (Col. 5, line 40 et seq.).

As in Claim 38, Megiddo teaches the associate communication section facilitates instant messaging communications between the user and the associate (Figure 2a ref. 114 and corresponding text).

As in Claim 40, the digital image of the associate is to exhibit a characteristic to visualize a relationship between the user and the associate (See rejection of Claims 2 and 4 *supra*).

4. Claims 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Shio et al., hereinafter Shio, US Patent 5491743.

As in Claims 30-32, Shio teaches a method of exchanging information comprising: dropping a first associate icon on a first user interface onto an introduction area, the first associate icon representing a first associate, the first associate icon including first associate information associated with the first associate, dropping a second associate icon on the first user interface onto the introduction area, the second associate icon representing a second associate, the second associate icon including second associate information associated with the second associate, automatically sending the first associate information to the second associate (Col. 7, lines 10-15 and 23 et seq.), automatically sending the second associate information to the first associate, displaying a third associate icon associated with the first associate on a second user interface associated with the second associate, and displaying a fourth associate icon associated with the second associate on a third user interface associated with the first associate (all members can see other attendee's icons on their interfaces and can automatically communicate with one another through speech transmission).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9-10 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megiddo, US Patent 6559863, and further in view of Harvey et al., hereinafter Harvey, US Patent 6784901.

Megiddo teaches a method for visualizing interpersonal relationships comprising displaying a user icon representing a user on a user interface and displaying associate icons on the user interface, wherein the associate icons represent one or more associates, wherein the associate icons are positioned radially about the user icon (Col. 2, lines 14 et seq.), wherein each of the one or more associate icons are positioned on the user interface to visualize a relationship between the user and the associates (Col. 2, lines 10-14).

As in Claim 9, While Megiddo teaches radial positioning of associate icons about a user icon, wherein each of the associate icons are positioned on the user interface to visualize a relationship between the user and the associates, they fail to show the communication tool is to be displayed upon selecting the associate icon as recited in the claims. In the same field of the invention, Harvey teaches a virtual conferencing system similar to that of Megiddo. In addition, Harvey further teaches a communication tool to enable the user to communicate with the associate, wherein the communication tool is

to be displayed upon selecting the associate icon (through the right click menu Col. 12, lines 50 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Megiddo and Harvey before him at the time the invention was made, to modify the radial positioning of associate icons about a user icon, wherein each of the associate icons are positioned on the user interface to visualize a relationship between the user and the associates taught by Megiddo to include the communication tool is to be displayed upon selecting the associate icon of Harvey, in order to obtain radial positioning of associate icons about a user icon, wherein each of the associate icons are positioned on the user interface to visualize a relationship between the user and the associates with the communication tool is to be displayed upon selecting the associate icon. One would have been motivated to make such a combination because a one to one private communication would have been obtained, as taught by Harvey.

As in Claim 10 and 21-22, While Megiddo teaches radial position of associate icons about a user icon, wherein each of the associate icons are positioned on the user interface to visualize a relationship between the user and the associates, they fail to show the attaching digital content to a communication upon dropping the digital content onto the associate icon when the communication is initiated within a predetermined amount of time of initiating the transmission of the digital content and transmitting the communication with the attached digital content as recited in the claims. In the same field of the invention, Harvey teaches a virtual conferencing system similar to that of Megiddo. In addition, Harvey further teaches attaching digital content to a communication upon dropping the digital content onto the associate icon when the

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communication is initiated within a predetermined amount of time of initiating the transmission of the digital content and transmitting the communication with the attached digital content (Col. 12, lines 36 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Megiddo and Harvey before him at the time the invention was made, to modify the radial positioning and relative distance between icons symbolizing the relationships between them taught by Megiddo to include the dragging and dropping method of attaching digital content to a communication of Harvey, in order to obtain radial positioning of associate icons about a user icon, wherein each of the associate icons are positioned on the user interface to visualize a relationship between the user and the associates with a drag drop attachment method for attaching digital content to a communication. One would have been motivated to make such a combination because a file-sharing transmission system between users would have been obtained, as taught by Harvey.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar virtual conferencing methods and interfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER